

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C.**

In the Matter of

Telephone Number Portability

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CC Docket No. 95-116

REPLY COMMENTS OF THE ILLINOIS CITIZENS UTILITY BOARD

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The Illinois Citizens Utility Board submits these Reply Comments in response to the Commission’s Further Notice of Proposed Rulemaking in FCC Docket No. 03-284. The Citizens Utility Board (“CUB”) hereby responds to certain carrier’s initial comments. CUB continues to recommend that the Federal Communications Commission (“Commission” or “FCC”) impose the same requirements on carriers for wireless to wireline porting as it does for wireline to wireless porting, in order to maintain intermodal reciprocity and produce the least likelihood of confusion for customers.

INTRODUCTION

Congress has mandated that all local exchange carriers have “the duty to provide number portability, to the extent technically feasible, in accordance with requirements prescribed by the Commission.” 47 U.S.C. § 251(b)(2). This Commission has repeatedly mandated various portability requirements - between wireline carriers, wireless carriers, and also from wireline to wireless carriers. See Telephone Number Portability, CC Docket No. 95-116, *Memorandum Opinion and Order*, FCC 03-237, rel. Oct. 7, 2003; Telephone Number Portability, CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 03-284, rel. Nov.

10, 2003 (“November Order”). The Commission currently requires wireline-to-wireless portability where the wireline coverage area overlaps with the wireless coverage area, “provided that the porting-in carrier maintains the number’s original rate center designation following the port.” November Order at ¶ 1. The Commission further clarified that, with regard to wireline-to-wireless porting, nothing in its rules requires that a wireless carrier have a physical point of interconnection in the wireline rate center from which the ported number originates. *Id.*

In our initial comments, CUB asserted that the portability requirement should apply analogously with respect to wireless-to-wireline portability – that is, a wireless carrier should be required to port numbers to any address from which the wireless carrier can accept a number ported from a wireline carrier, provided that the address to which the number is ported lies within the boundaries of the wireless “coverage area” (defined as “the area in which wireless service can be received from the wireless carrier.” November Order at ¶ 22). In addition, in order to comport with the FCC’s mandate regarding wireline-to-wireless porting, CUB proposes that the porting-in carrier must maintain the number’s original (wireless) rate center. Therefore, customers calling the ported number will continue to be billed in the same manner as before the porting of the number. This result produces the least amount of confusion for customers and provides a continuum for rating purposes, while advancing the Commission’s pro-competitive directive.

REPLY

CUB disagrees with Verizon’s assessment that this form of wireless-to-wireline porting amounts to location or geographic portability, rather than number portability. In

the Comments of Verizon an example of the wireless to wireline intermodal porting that CUB supports is laid-out. Verizon Comments at 3. Verizon takes a hypothetical customer residing in Manassas, Virginia, who has a wireline phone with a number that was ported from a cell phone. In this example, the cell phone carrier had provided this customer with a number associated with the Arlington, Virginia, wireless rate center that covers Manassas. Mirroring the FCC's wireline-to-wireless porting rule, the wireline carrier does not change the rate center with which the number is associated. Therefore, calls to the Manassas customer from customers in Arlington, Virginia, would be billed as local and conversely calls from customers in Manassas would not be billed as local calls.

Verizon uses this "problem" to discount, out of hand, what is probably the most efficient solution to the problem of wireless-to-wireline intermodal porting. The crux of Verizon's argument is that "when a user wants to take a CMRS number associated with Arlington and use it with a fixed physical location in Manassas, that user is, in fact, not at 'the same location.'" *Id.* at 4. Since the customer is not at the same location, in Verizon's view, this is not number portability under the Telecom Act of 1996 or the Commission's rules. *Id.* at 5. Thus, wireline and wireless carriers "are not required to accommodate [this customer], and Verizon does not do so today." *Id.*

Verizon's view that a consumer who seeks to port a wireless phone number to a wireline phone (where the rate centers are not consistent) is changing his or her geographic location is unfounded. Verizon does not maintain that the customer in its example has moved beyond the boundaries of the Arlington rate center, just that she doesn't live in it. While an address in Manassas is not in the Arlington *wireline* rate

center, it is in the Arlington *wireless* rate center. Verizon's claim that the Act's use of the clause, "at the same location", is unclear is dubious at best.

What is clear is that someone who has not moved from one geographic location to another should obviously be considered at the same location. In fact, this is a basic assumption underlying the FCC's request for comments. In its direction for comments, the FCC stated that it sought comments on the "technical impediments associated with requiring wireless-to-wireline LNP when the location of the wireline facilities serving the customer requesting the port is not in the rate center where the wireless number is assigned." FCC 03-284 at ¶ 42. The FCC recognizes that there may be technical issues relating to the implementation of wireless-to-wireline portability. Implicit in its directive is the FCC's understanding that the customer does not move his geographic location. The FCC focuses instead on the association of the number with a particular rate center – not the physical location of the customer.

CUB notes that Verizon anticipates very little demand for this type of porting based on its experience thus far. Verizon Comments at 1. Because there may be little demand for wireless-to-wireline porting, the call rating problem that Verizon expounds upon would seem to be quite manageable. In fact, Verizon admits in a footnote that it can, in fact, accommodate a request from a customer for wireless to wireline porting where there is an inconsistency in the rate centers in two different ways, not including requiring the customer to change his number. *Id.* at 5, footnote 8. Verizon, therefore, acknowledges that the call rating problems it identifies are addressable.

CUB maintains that requiring the wireline porting-in carrier to maintain the number's original (wireless) rate center represents the simplest, most analogous, and

most appropriate policy for the Commission to adopt with regard to wireless-to-wireline porting.

CONCLUSION

Requiring wireless-to-wireline portability will further the Commission's pro-competitive goals and serve the public interest. Therefore, CUB respectfully requests the Commission consider the foregoing comments in establishing its policy with regard to wireless-to-wireline portability.

Respectfully Submitted,

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February 4, 2004